

GUIDANCE FOR NEW JERSEY BANKRUPTCY FILING VERSION 2.7

This document summarizes the changes in cm/ecf which take effect on October 17, 2005 in The United States Bankruptcy Court for the District of New Jersey. On that date, the changes mandated by the Bankruptcy Reform Act of 2005 go into effect.

OPENING A BANKRUPTCY CASE

- Chapter Change

The new chapter 15 is a request by a foreign representative for recognition and a notice of intent to file a bankruptcy case. The selection list of chapters for a new filing will include "15" instead of "304", and "15" will be accepted only if joint petition is "N". On the party information screen, the "Role" to be selected is "Foreign Representative" rather than "Debtor".

NOTE: The new bankruptcy petition has chapter choices of "Chapter 15 Main Proceeding" and "Chapter 15 Nonmain Proceeding". However, cm/ecf only offers one chapter 15 option, which should be selected in either case.

- Type of Debtor

Addition to Choices for type of debtor include "Health Care Business" and "Single Asset Real Estate" .

With these new values, there are ten options for Type of Debtor. The new bankruptcy petition divides these choices into two categories, Type of Debtor and Nature of Business; for now, a user opening a case should select the debtor types corresponding to all boxes checked in either category. If the petition shows the Nature of Business as "Nonprofit Organization", user should select "Other" for debtor type.

- Fee Status

The fee for a voluntary Chapter 7 bankruptcy petition filed by an individual can now be waived by the Court if the debtor meets *in forma pauperis* requirements. The fee status selection list will include "IFP Filing Fee Waived" (**individual, chapter 7 voluntary cases only**) and "filing fee not paid".

If filing an application to Waive Filing Fee of Chapter 7 with petition, during case opening the fee status, should be set to "IFP Filing Fee Waived".

The fee Amount Screen should not be changed from \$274, this should only be changed for installment payments.

- Estimated Number of Creditors

_____ New values in the selection list for “estimated number of creditors” will be displayed:

1 - 49
50 - 99
100 - 199
200 - 999
1,000 - 5,000
5,001 - 10,000
10,001 - 25,000
25,001 - 50,000
50,001 - 100,000
Over 100,000 _____

- Voluntary

The “Voluntary” selection list will no longer include the blank value, since that is only valid for 304 cases.

- _____ For a voluntary chapter 7 petition filed by an individual, user will see the prompt “**Presumption of Abuse Arises?**” Select Yes or No based on answer provided on Official Form 22A (New Means Test Form)

- Chapter 11 Debts

The new bankruptcy petition includes an additional item for Chapter 11, a checkbox for “Debtor’s aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than \$2 million”; this item will not be entered into cm/ecf version 2.7.

During case opening, user must select Yes or No for small business question. _____

- Party Information

When a party is added to a case, two new values, “Health Care Ombudsman” and “Consumer Privacy Ombudsman” appear on the Role selection list. These allow an appropriate ombudsman to be appointed for a case where type of debtor is “health care business” or when personal data is to be sold.

- Notices

- Previously when a docket entry was made through the multicase docketing or batch filing facility, the Notice of Electronic Filing (NEF) listed all the cases; recipients were confused by the mention of cases in which they had no interest. Now, a separate NEF is produced for each case and is sent only to the appropriate recipients (some recipients could therefore receive multiple NEFs about the same transaction, one for each case).

- Previously, NEFs sent for individual filings (rather than a daily summary) did not have a document link for an HTML form. If an attorney docketed an event which creates an HTML form, the NEF now has a link, as long as the document number has been assigned in the transaction and no PDF document was filed; however, a recipient who clicks the link may temporarily see a “not yet available” message, since forms from attorney-docketed events are produced sometime after the NEF is sent.
- Previously, the NEF did not list the names of email recipients who receive summary mail. These recipients are now included under “Notice Will be Electronically Mailed to”:
- Creditor Mailing Matrix

Instead of a “1 column” format option you will see a “3 columns” option. The 3-column label format is ready for printing on standard 3X10 address labels (Avery #5160 or equivalent). With this option, each creditor who has a “preferred address” on file with the BNC will have their CM/ECF address automatically replaced by the BNC address on the matrix. If a specific creditor has designated a different address to be used in a particular case, address substitution will not occur.

Whenever request for Creditor Mailing Matrix is made, user will not see a transaction receipt, but will still be billed. Billing information is available through the Review Billing History option on the Utilities menu.

- Mailing Info for a Case

In addition to attorneys, this report now shows trustees and other parties on the email recipient list.
